



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/811,847

03/30/2004

Byung-chcol Park

1572.1328

2330

21171 7590 01/30/2007  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

GEHMAN, BRYON P

ART UNIT

PAPER NUMBER

3728

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

01/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/811,847

Applicant(s)

PARK, BYUNG-CHEOL

Examiner

Bryon P. Gehman

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2007 and 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 4, 9-13, 15-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 9-13, 15-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3728

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 22, 2006 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 9-10, 13, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tinapple (3,363,749) in view of Korean 2003-0065974 and Korean 1999-0084867. Tinapple discloses a packing unit for a refrigerator comprising an upper shock absorber (28) connected to an upper part of a refrigerator such that the upper shock absorber covers an entire top surface of the refrigerator, and a lower shock absorber (44 and 46) connected to a lower part of the refrigerator such that the lower shock absorber covers an entire bottom surface of the refrigerator. Korean 2003-0065974 discloses a packing unit for a refrigerator having a detachable door handle, comprising an outer case (105) to protect an external appearance of a refrigerator, shock absorbers (102) disposed within the outer case and connected to the refrigerator,

Art Unit: 3728

one of the shock absorbers having a handle accommodating part (111), externally disposed with respect to the refrigerator, to accommodate the detachable door handle detached from the refrigerator, the handle accommodating part grooved to a depth to forcibly fit and at least substantially prevent the door handle from protruding from an outer surface of the shock absorber. To modify the packing unit of Tinapple employing an outer case would have been obvious in order to better protect the refrigerator. To modify the packing unit of Tinapple employing a handle accommodating part disposed in one of the shock absorbers would have been obvious in view of Korean 2003-0065974 in order to store the handle in a protected position during shipping, as disclosed by Korean 2003-0065974. Korean 1999-0084867 discloses an accessory accommodating part (27) grooved to a predetermined depth in a shock absorber to prevent the accessory (15) from protruding from an outer surface of the shock absorber when accommodated therein. To dispose the door handle completely within the shock absorber would have been obvious in view of Korean 1999-0084867 in order to better protect the door handle from external damage.

As to claim 9-10 and 17, the handle accommodating part of Korean 2003-0065974 appears to be sized to accommodate the handle.

4. Claims 1, 9-10, 13 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korean 2003-0065974 in view of Tinapple and Korean 1999-0094867. Korean 2003-0065974 discloses a packing unit for a refrigerator having a detachable door handle, comprising an outer case (105) to protect an external

Art Unit: 3728

appearance of a refrigerator, shock absorbers (102) disposed within the outer case and connected to the refrigerator, one of the shock absorbers having a handle accommodating part (111) to accommodate the detachable door handle detached from the refrigerator, the handle accommodating part externally disposed with respect to the refrigerator, the handle accommodating part grooved to a depth to forcibly fit and at least substantially prevent the door handle from protruding from an outer surface of the shock absorber. Tinapple discloses disposing shock absorbers at an upper part of a refrigerator such that the upper shock absorber covers an entire top surface of the refrigerator and at a lower part of the refrigerator such that the lower shock absorber covers an entire bottom surface of the refrigerator. To modify the packing unit of Korean 2003-0065974 employing upper and lower shock absorbers with one having a handle accommodating part disposed therein would have been obvious in view of Tinapple in order to protect the upper and lower ends, as disclosed by Tinapple and to accommodate a detached handle, as disclosed by Korean 2003-0065974. Korean 1999-0084867 discloses an accessory accommodating part (27) grooved to a predetermined depth in a shock absorber to prevent the accessory (15) from protruding from an outer surface of the shock absorber when accommodated therein. To dispose the door handle completely within the shock absorber would have been obvious in view of Korean 1999-0084867 in order to better protect the door handle from external damage.

As to claims 9-10 and 17, the handle accommodating part of Korean 2003-0065974 appears to be sized to accommodate the handle.

5. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 2 and 13 above, and further in view of Kim (6,274,217). Kim discloses comprising a packing unit shock absorber from expandable polystyrene material. To modify the previous structural combination employing polystyrene as the foam material would have been obvious to one of ordinary skill in the art, as polystyrene was well known as a buffer material in packing units.

6. Claims 4, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 3 and 15 above, and further in view of either one of Lancaster (6,471,067) and Brissier et al. (4,815,605). Lancaster and Brissier et al. each disclose a shock absorber (108; 30; respectively) provided with an air vent (36; column 3, lines 28-35). To modify the shock absorber of the previous combination employing the air vent of Lancaster would have been obvious in order to provide an increase in impact resistance by venting during impact. To modify the shock absorber of the previous combination employing the air vent of Brissier et al. would have been obvious in order to reduce compression during impact (see column 3, line 61 through column 4, line 2).

7. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 13 above, and further in view of Drakenfeld (343,704). Drakenfeld discloses employing an adhesive material to secure a content

Art Unit: 3728

within a holding structure. To modify the accommodating parts of the prior art combination to include adhesive would have been obvious in view of Drakenfeld in order to better secure the content in the accommodating part.

8. Applicant's arguments filed September 21, 2006 have been fully considered but they are not persuasive in view of the new grounds of rejection. It appears the handle in Korean 2003-0065974 is disposed within the confines of the shock absorber, but to reinforce that this would be within the level of ordinary skill, the second Korean reference has been added as a reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Tuesday through Thursday from 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

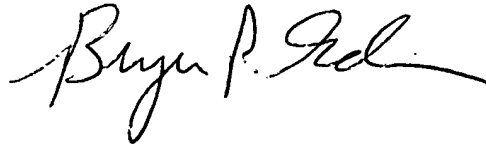
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/811,847

Page 7

Art Unit: 3728

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bryon P. Gehman  
Primary Examiner  
Art Unit 3728

BPG